

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|---|---------------------------|---|---|---------------------------------|
| Investigator: Glenn Brown | Team: Team # 1 | CCRB Case #: 201307413 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Thursday, 08/15/2013 7:45 AM | Location of Incident: Inside East 105th Street L Train Station | Precinct: 69 | 18 Mo. SOL 2/15/2015 | EO SOL 2/15/2015 | |
| Date/Time CV Reported Thu, 08/15/2013 8:16 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 08/15/2013 8:16 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. SGT Abraham Badillo | 00568 | 936162 | 069 PCT |
| 2. POM Quentin Saxon | 05172 | 947466 | 069 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|---------------------------|-----------|--------|----------|
| 1. POM Philogene Breville | 03121 | 940974 | 069 PCT |
| 2. POM Troy Peacock | 17690 | 940553 | 069 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.SGT Abraham Badillo | Abuse: Sgt. Abraham Badillo stopped § 87(2)(b) and § 87(2)(b) | |
| B.POM Quentin Saxon | Abuse: PO Quentin Saxon stopped § 87(2)(b) and § 87(2)(b) | |
| C.POM Quentin Saxon | Abuse: PO Quentin Saxon searched § 87(2)(b) | |
| D.SGT Abraham Badillo | Abuse: Sgt. Abraham Badillo searched § 87(2)(b) s bag. | |
| E.SGT Abraham Badillo | Abuse: Sgt. Abraham Badillo searched § 87(2)(b) | |
| F.SGT Abraham Badillo | Abuse: Sgt. Abraham Badillo frisked § 87(2)(b) | |
| G.SGT Abraham Badillo | Off. Language: Sgt. Abraham Badillo made remarks to § 87(2)(b) based upon race. | |
| H.SGT Abraham Badillo | Discourtesy: Sgt. Abraham Badillo spoke discourteously to § 87(2)(b) | |
| § 87(4-b), § 87(2)(g) | | |
| § 87(2)(g), § 87(4-b) | | |

Case Summary

On August 15, 2013, § 87(2)(b) and § 87(2)(b) filed this complaint with the CCRB via telephone.

On August 15, 2013, at approximately 7:43 am, Sgt. Abraham Badillo and PO Quentin Saxon stopped § 87(2)(b) and § 87(2)(b) inside the East 105th Street L train station in Brooklyn and the following allegations resulted:

- **Allegation A) Abuse of Authority: Sgt. Abraham Badillo stopped § 87(2)(b) and § 87(2)(b)**
- **Allegation B) Abuse of Authority: PO Quentin Saxon stopped § 87(2)(b) and § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation C) Abuse of Authority: PO Quentin Saxon searched § 87(2)(b)**
- **Allegation E) Abuse of Authority: Sgt. Abraham Badillo searched § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation D) Abuse of Authority: Sgt. Abraham Badillo searched § 87(2)(b) s bag.**
- **Allegation F) Abuse of Authority: Sgt. Abraham Badillo frisked § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation G) Offensive Language: Sgt. Abraham Badillo made remarks to § 87(2)(b) based upon race.**
- **Allegation H) Discourtesy: Sgt. Abraham Badillo spoke discourteously to § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- § 87(4-b), § 87(2)(g)
- § 87(4-b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) declined to have this complaint mediated.

Results of Investigation

Civilian Statements

Complainant/ Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a black male, § 87(2)(b) § 87(2)(b). § 87(2)(b) is unemployed.*

CCRB Statement: (encl. B4-10)

On August 22, 2013, § 87(2)(b) was interviewed at the CCRB. On August 19, 2013, § 87(2)(b) provided a brief phone statement to the CCRB.

On August 15, 2013, at approximately 7:45 am, § 87(2)(b) left a methadone clinic and walked to the East 105th Street L Train subway station. § 87(2)(b) entered the mezzanine level of the station and stopped to chat with the MTA token booth agent § 87(2)(b) identified by her first name by § 87(2)(b). § 87(2)(b) asked § 87(2)(b) if she would like a coffee from the cart. § 87(2)(b) said that she would and gave § 87(2)(b) money to purchase the coffee. Before § 87(2)(b) exited the station, his friend § 87(2)(b) walked through a nearby turnstile and asked if § 87(2)(b) was getting on the train soon. § 87(2)(b) said that he was, but agreed to wait for § 87(2)(b) to go to the clinic so that they could get on the train together. § 87(2)(b) exited the station. § 87(2)(b) went to the coffee cart. § 87(2)(b) continued to walk down the street to the clinic. After purchasing the coffee, § 87(2)(b) re-entered the subway station and handed § 87(2)(b) her coffee. § 87(2)(b) pressed a button to allow § 87(2)(b) through the turnstile and he proceeded to the above ground waiting area.

Several minutes later § 87(2)(b) returned, swiped himself through the turnstile and came to stand next to § 87(2)(b). The sign said that the next Manhattan-bound train would be arriving in two minutes. § 87(2)(b) and § 87(2)(b) chatted, and then decided to head downstairs to the Manhattan-bound platform. As they began heading for the staircase, § 87(2)(b) observed Sgt. Abraham Badillo, identified by his nameplate and described as a uniformed Hispanic male, 5'6" tall, 180 pounds, wearing a gold shield with number 568 on it, and PO Quentin Saxon, identified by the investigation and described as a uniformed black male, 6' tall, 190 to 220 pounds, in his 30s, enter the emergency exit door. § 87(2)(b) did not make eye contact with either of the officers or say anything to the officers. When § 87(2)(b) and § 87(2)(b) reached the bottom of the staircase, they noticed that Sgt. Badillo and PO Saxon had followed them to the platform. One of the officers told § 87(2)(b) to come back upstairs with them and § 87(2)(b) continued to walk along the platform. Sgt. Badillo said to § 87(2)(b) "Excuse me. Where do you think you're going? Upstairs." § 87(2)(b) asked what the problem was, but agreed to go back upstairs.

§ 87(2)(b) walked back upstairs and sat down on a bench on the right-hand side of the waiting area. § 87(2)(b) was seated at the opposite end of this bench near a garbage can and § 87(2)(b) sat down closer to a window. Sgt. Badillo said to § 87(2)(b) "Come on. Tell me who passed who the stuff." Sgt. Badillo said, "Give me the bag," and § 87(2)(b) handed Sgt. Badillo his backpack bag. Sgt. Badillo emptied § 87(2)(b)'s bag and picked up one of § 87(2)(b)'s gloves which was inside the bag and turned its fingers inside-out. Sgt. Badillo placed his hand into § 87(2)(b)'s front left and right pants pocket. Sgt. Badillo removed § 87(2)(b)'s wallet from his rear left pants pocket, reached into § 87(2)(b)'s breast pocket and removed a pack of cigarettes and looked through the cigarette package. Sgt. Badillo frisked § 87(2)(b)'s legs and waistband area. PO Saxon searched through a black, plastic bag that § 87(2)(b) was holding and then frisked § 87(2)(b)'s pants pockets. § 87(2)(b) could not recall if PO Saxon searched § 87(2)(b)'s pockets.

After Sgt. Badillo and PO Saxon finished their searches, a broadcast went over both officers' radios and Sgt. Badillo walked away and spoke quietly into his radio. Sgt. Badillo walked back over and the two officers held a brief, whispered conversation.

§ 87(2)(b) "had words with" Sgt. Badillo. § 87(2)(b) recalled that Sgt. Badillo told § 87(2)(b) "What do you think – I'm a fucking fool or something?" and called § 87(2)(b) a "junkie motherfucker." § 87(2)(b) said he was taking anti-psychotic drugs and Sgt. Badillo

said, “I don’t give a fuck what you’re on.” § 87(2)(b) said that he was tired of being stopped and Sgt. Badillo responded, “You don’t think I’m tired? I’m fucking tired too. You know what? Cuff that motherfucker.” PO Saxon handcuffed § 87(2)(b)

Sgt. Badillo told § 87(2)(b) that he could leave. § 87(2)(b) got up, walked down to the train platform and got on the next train. When § 87(2)(b) left the mezzanine, § 87(2)(b) was still in handcuffs. The interaction with the officers lasted 20 to 25 minutes.

Complainant/ Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a white male, § 87(2)(b) § 87(2)(b).*

CCRB Statement: (encl. B11-17)

On August 22, 2013, § 87(2)(b) was interviewed at the CCRB. On August 19, 2013, § 87(2)(b) provided a brief phone statement.

§ 87(2)(b) exited the train station and walked to the methadone clinic. § 87(2)(b) went inside for approximately five minutes, exited and returned to the subway station. § 87(2)(b) was not carrying anything. § 87(2)(b) entered the subway and stood with § 87(2)(b) for approximately two minutes in the small, above ground mezzanine.

Then, Sgt. Badillo and PO Saxon entered the mezzanine level of the station. § 87(2)(b) noticed that a Manhattan-bound train was approaching and he and § 87(2)(b) descended the staircase onto the platform. At the base of the staircase, Sgt. Badillo or PO Saxon (§ 87(2)(b) was not sure who) grabbed § 87(2)(b) and said, “Open your hands.” § 87(2)(b) opened his hands to show that there was nothing in his hands. PO Saxon then § 87(2)(b) back up the stairs to the mezzanine level. § 87(2)(b) continued to walk away along the platform and Sgt. Badillo said, “Where do you think you’re going?”

On the mezzanine level, PO Saxon reached into § 87(2)(b)’s pants pockets, taking out § 87(2)(b)’s identification, tissue, and Metrocard from his left shorts’ pocket. Approximately two minutes later, § 87(2)(b) and Sgt. Badillo came to the mezzanine level. § 87(2)(b) sat down at the end of a bench and Sgt. Badillo spoke with § 87(2)(b). Sgt. Badillo then said to § 87(2)(b) that the officers saw him with drugs. Sgt. Badillo said, “I’m not stupid. You’re a dirty, whiteboy, fiend.” Sgt. Badillo asked where “the drugs” were repeatedly and § 87(2)(b) denied that he had any drugs. Sgt. Badillo called § 87(2)(b) a “junkie,” a “whiteboy,” and a “fiend”. Sgt. Badillo told PO Saxon, “Put him in cuffs, he’s going in.” PO Saxon handcuffed § 87(2)(b). Sgt. Badillo took § 87(2)(b)’s identification and read § 87(2)(b)’s information into his radio.

Sgt. Badillo told § 87(2)(b) that he was free to go. § 87(2)(b) had been searched by Sgt. Badillo, but he could not recall when that happened, nor could he describe the search.

At some point, § 87(2)(b) requested Sgt. Badillo’s name and shield number. In response, Sgt. Badillo pointed to his shield and nameplate and said, “Make sure to tell him I’m a sergeant. And you’re a piece of shit.” Approximately ten minutes after § 87(2)(b) left, § 87(2)(b) was taken out of handcuffs and released without a summons.

Witness: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. She is a black female who is § 87(2)(b).*

CCRB Statement: (encl. B18-20)

On December 12, 2013, § 87(2)(b) was interviewed at the CCRB. On July 25, 2013 at approximately 7:35 am, inside the East 105th Street L train station in Brooklyn, § 87(2)(b) was working inside the station's token booth.

The day before coming to her interview at the CCRB, § 87(2)(b) spoke with § 87(2)(b) regarding his complaint. § 87(2)(b) told § 87(2)(b) that he had been stopped by police officers on the platform and was then brought back up to the mezzanine level, where he was searched. § 87(2)(b) had an independent recollection of § 87(2)(b) being searched next to the benches, insofar as she recalled it happening, but could not recall many specifics. § 87(2)(b) said § 87(2)(b) was searched near the left-hand set of benches inside the subway system. § 87(2)(b) stated that the officers "went through" § 87(2)(b)'s bag and frisked § 87(2)(b)'s pants pockets. § 87(2)(b)'s interaction with the officers lasted approximately 20 to 30 minutes. § 87(2)(b) could recall no further details regarding this stop. § 87(2)(b) did not recall if § 87(2)(b) was with § 87(2)(b) at the time (though she speculated that he was). § 87(2)(b) was not able to describe or identify the officers who stopped § 87(2)(b). § 87(2)(b) did not hear any conversation between the officers and § 87(2)(b) during the incident.

NYPD Statements:

Subject Officer: OFFICER QUENTIN SAXON

- *At the time of the incident, PO Saxon was § 87(2)(b)*
- *On August 15, 2013, PO Saxon worked from 5:00 am to 3:15 pm, was assigned to SNEU with Sgt. Badillo, was dressed in uniform, and was assigned to a marked van, RMP #8741.*

Memo Book: (encl. C1-3)

On August 15, 2013, PO Saxon noted in his memo book that at 8:35 am, he stopped § 87(2)(b) at the East 105th Street/ Farragut Road train station. § 87(2)(b)'s identification number was § 87(2)(b)

CCRB Statement: (encl. C4-8)

On April 23, 2014 and August 21, 2014, PO Saxon was interviewed at the CCRB.

On August 15, 2013, at approximately 8:35 am, PO Saxon observed § 87(2)(b) "hanging around" the methadone clinic that is located on the northeast corner of East 105th Street and Farragut Road in Brooklyn. This is an intersection that is known to the SNEU team as a common location for the sale of pills, marijuana, heroin, and methadone, which is why he was part of a SNEU operation in that area. PO Saxon was inside the mezzanine level of the East 105th Street L train station, looking southward out of a large window in the mezzanine of the train station that faces down East 105th Street towards Farragut Road. PO Saxon was with Sgt. Badillo at the time. That § 87(2)(b) was "hanging around" the methadone clinic is what first drew PO Saxon's attention to § 87(2)(b) and this was the only thing that drew PO Saxon's attention to § 87(2)(b). PO Saxon did not recall observing § 87(2)(b) engage in a hand-to-hand transaction. PO Saxon did not recall suspecting § 87(2)(b) of a crime at any point.

Sgt. Badillo stopped § 87(2)(b) on the train platform after § 87(2)(b) had entered the subway system and descended the stairs to the platform. Sgt. Badillo had a conversation with § 87(2)(b) while they were down on the train platform, though PO Saxon remained on the mezzanine level and did not hear what Sgt. Badillo said to § 87(2)(b). Later in his statement, PO Saxon said that he was with Sgt. Badillo when he first stopped § 87(2)(b) though he still did not hear what Sgt. Badillo discussed with § 87(2)(b). PO Saxon did not recall what the first thing was that he said to § 87(2)(b). PO Saxon did not recall § 87(2)(b) holding something

in his hands at the time of the stop. PO Saxon said that he “probably” told § 87(2)(b) to show him his hands because PO Saxon often does this for his safety. Nevertheless, PO Saxon did not have an independent recollection of requesting that § 87(2)(b) open his hands on the date of the incident.

PO Saxon did not recall if § 87(2)(b) was alone at the time of the stop. PO Saxon recognized a photograph of § 87(2)(b) as someone who is often around the methadone clinic, but was not sure if § 87(2)(b) was with § 87(2)(b) on the date of the incident. PO Saxon did not recall why § 87(2)(b) was stopped. Sgt. Badillo stopped § 87(2)(b) and PO Saxon backed him up. PO Saxon did not recall having a conversation with Sgt. Badillo after the stop about the reason for stopping § 87(2)(b).

Sgt. Badillo and PO Saxon went back upstairs with § 87(2)(b) to the mezzanine level. § 87(2)(b) cooperated with the officers and walked back up to the mezzanine level without any problems. PO Saxon never made any physical contact with § 87(2)(b) and PO Saxon did not recall Sgt. Badillo ever making any physical contact with § 87(2)(b). PO Saxon did not recall why they went back up to the mezzanine level with § 87(2)(b). PO Saxon did not recall if there were any other MTA customers inside of the mezzanine at the time that they brought § 87(2)(b) back to the mezzanine level.

§ 87(2)(b) was “irate” when PO Saxon and Sgt. Badillo stopped him. § 87(2)(b) angrily asked why the officers had stopped him and what was going on. Sgt. Badillo explained why they had just stopped § 87(2)(b). PO Saxon told § 87(2)(b) that there was nothing to be upset about and that they just wanted to ask him a few questions. § 87(2)(b) said, “Alright, no problem,” and then asked, “Do you respect me?” PO Saxon said that he did respect § 87(2)(b) and § 87(2)(b) told PO Saxon that he had seen him before. § 87(2)(b) told PO Saxon and Sgt. Badillo that he comes from Far Rockaway to the methadone clinic to receive treatment.

PO Saxon did not recall observing any bulges in § 87(2)(b)'s pockets and he did not recall frisking § 87(2)(b). PO Saxon did not recall having any reason to frisk § 87(2)(b). PO Saxon did not recall § 87(2)(b) ever being handcuffed. PO Saxon did not recall asking § 87(2)(b) if he had anything sharp in his pockets. PO Saxon did not recall § 87(2)(b) ever doing anything with his body that made him concerned for his safety. PO Saxon did not recall ever placing his hands inside § 87(2)(b)'s pockets. PO Saxon did not recall Sgt. Badillo or himself asking § 87(2)(b) where “the drugs” were. Neither Sgt. Badillo nor PO Saxon referred to § 87(2)(b) as a “dirty, white boy, fiend,” or a “junkie.” Neither Sgt. Badillo nor PO Saxon said to § 87(2)(b) “You’re a piece of shit.” PO Saxon never heard Sgt. Badillo ever say, nor did he ever say, “What do you think – I’m a fucking fool?” PO Saxon did not hear Sgt. Badillo say, nor did he say, “I don’t give a fuck what you’re on,” or “You don’t think I’m tired? I’m fucking tired too. You know what? Cuff that motherfucker.”

PO Saxon requested and received § 87(2)(b)'s identification in order to record the stop in his memo book, but there was no reason to run a warrant check on § 87(2)(b) and so he did not run a warrant check on § 87(2)(b). PO Saxon did not recall Sgt. Badillo running a warrant check on § 87(2)(b).

PO Saxon was focused on § 87(2)(b)'s hands while Sgt. Badillo spoke to him and, as a result, he was not certain what Sgt. Badillo said to § 87(2)(b). While Sgt. Badillo spoke to § 87(2)(b), PO Saxon did not recall stopping anyone else and while PO Saxon spoke with § 87(2)(b), he did not recall Sgt. Badillo stopping anyone else.

PO Saxon estimated that the entire stop lasted less than five minutes. PO Saxon shook hands with § 87(2)(b) before he left the scene.

PO Saxon did not recall there being any other members of the SNEU team present at the time of § 87(2)(b)'s stop. PO Saxon “probably” filed a stop and frisk report in regard to the stop of § 87(2)(b) but he was not “too sure.”

The SNEU operation's observation post often parks in a parking lot across Farragut Road from the methadone clinic and makes observations from the back of a vehicle. PO Saxon did not recall receiving a radio transmission regarding § 87(2)(b) prior to the stop.

Subject Officer: SERGEANT ABRAHAM BADILLO

- *At the time of the incident, Sgt. Badillo was § 87(2)(b)*
- *On August 15, 2013, Sgt. Badillo worked from 5:00 am to 1:57 pm as the SNEU Supervisor and was dressed in uniform. Sgt. Badillo was working with a seven-man team, utilizing between two and three police vehicles, though he was not assigned to one specific vehicle, nor did he know which vehicles in particular were being used.*

Memo Book: (encl. C10-12)

Sgt. Badillo did not have an entry in his memo book regarding this incident.

CCRB Statement: (encl. C13-14)

On December 18, 2013, Sgt. Abraham Badillo was interviewed at the CCRB. Sgt. Badillo did not have an independent recollection of this incident. Sgt. Badillo recognized a photograph of § 87(2)(b) but not of § 87(2)(b) regularly sells controlled substances in the area. Sgt. Badillo was given a brief description of the incident as described by § 87(2)(b) and § 87(2)(b). Sgt. Badillo recalled stopping § 87(2)(b) on a different occasion inside the East 105th Street subway station, but did not recall stopping § 87(2)(b) or § 87(2)(b) on August 15, 2013. Sgt. Badillo denied stopping § 87(2)(b).

NYPD Documents

MISD Search Results and NYS Trooper Check: (encl. G2 and G6)

Requests for warrant check information performed for § 87(2)(b) and § 87(2)(b) on August 15, 2013 were returned with negative results.

Handwritten/ Computerized Stop, Question, and Frisk Log and Reports: (encl. G4-5)

Requests for computerized and handwritten Stop, Question, and Frisk reports for § 87(2)(b) and § 87(2)(b) were returned with negative results from MAS and the 69th Precinct. Requests for computerized and handwritten Stop, Question, and Frisk logs were also returned with negative results.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of June 26, 2014 with regard to the incident (encl. E1).

§ 87(2)(b)

[REDACTED]

§ 87(2)(b)

[REDACTED]

Subject Officers' CCRB Histories

- PO Saxon has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. A1).
- Sgt. Badillo has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. A2-3).

Conclusion

Identification of Subject Officers

PO Saxon acknowledged interacting with § 87(2)(b) and he fits the description provided by § 87(2)(b) and § 87(2)(b). Therefore, Allegations B and C have been pled against him.

Though Sgt. Badillo stated that he did not recall stopping § 87(2)(b) or § 87(2)(b) and § 87(2)(b) both provided his name when they filed the complaint and PO Saxon stated that he was with Sgt. Badillo when § 87(2)(b) was stopped. Therefore, Allegations A, D, E, F, G, and H have been pled against him.

Allegations Not Pled

§ 87(2)(b) alleged that while he was being searched by Sgt. Badillo, PO Saxon searched through a black, plastic bag that § 87(2)(b) was holding and then he frisked the outside of § 87(2)(b)'s pants pockets. Because § 87(2)(b) the victim of these allegations, did not allege that PO Saxon frisked him or searched through a bag he was holding, neither of these allegations have been pled.

Investigative Findings and Recommendations

- **Allegation A) Abuse of Authority: Sgt. Abraham Badillo stopped § 87(2)(b) and § 87(2)(b)**
- **Allegation B) Abuse of Authority: PO Quentin Saxon stopped § 87(2)(b) and § 87(2)(b)**
§ 87(2)(b) and § 87(2)(b) both stated that after they had separately gone to the methadone clinic, gotten a coffee and met up inside of the subway station, they descended to the Manhattan-bound train tracks together. Towards the bottom of the stairs, Sgt. Badillo and PO Saxon stopped them and instructed them to come back to the mezzanine level and both of them complied. § 87(2)(b) and § 87(2)(b) both stated that § 87(2)(b) sat down on a bench after he was stopped. § 87(2)(b) recalled seeing § 87(2)(b) interact with police officers on the mezzanine level of the subway near the same bench specified by § 87(2)(b) in his statement. § 87(2)(b) did not recall if § 87(2)(b) was with § 87(2)(b) at the time of this stop, though she speculated that he was.

PO Saxon noted in his memo book that he stopped § 87(2)(b) and during his interview he stated that he observed § 87(2)(b) “hanging around” the methadone clinic. Nevertheless, PO Saxon stated that he never suspected § 87(2)(b) of a crime and did not recall the reason for the stop. PO Saxon stated that Sgt. Badillo decided to stop § 87(2)(b) and that he just backed him up. PO Saxon never discussed the reason for § 87(2)(b)'s stop with Sgt. Badillo at a later time. Sgt. Badillo did not recall stopping § 87(2)(b) or § 87(2)(b) on the date of the incident and specifically denied stopping § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) jointly filed their initial complaint to the CCRB just over 30 minutes from the time of the incident and their accounts regarding the nature of the stop were largely consistent. Furthermore, § 87(2)(b) also recalled seeing § 87(2)(b) interact with police officers on the mezzanine level of the subway station.

Patrol Guide Procedure 212-11 (encl. i-iii) requires that officers must reasonably suspect an individual has committed, is committing, or is about to commit a crime in order to stop him.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

- **Allegation C) Abuse of Authority: PO Quentin Saxon searched** § 87(2)(b)
- **Allegation E) Abuse of Authority: Sgt. Abraham Badillo searched** § 87(2)(b)

§ 87(2)(b) alleged that after he was stopped, PO Saxon reached his hands into both of his pants pockets and took out his identification, some tissues, and a Metrocard from his left shorts' pocket. § 87(2)(b) stated that Sgt. Badillo searched § 87(2)(b) but he could not describe this search or state at what time during the incident this happened.

§ 87(2)(b) alleged that Sgt. Badillo placed his hands into his front left pants pocket, his right front pants pockets, the "key pocket" located inside his front right pants pocket, his rear left pants pocket, and his t-shirt's breast pocket. § 87(2)(b) stated that PO Saxon frisked § 87(2)(b) and searched through a black bag § 87(2)(b) was holding, but he did not allege that PO Saxon ever placed his hands in § 87(2)(b)'s pockets.

§ 87(2)(b) was not sure if § 87(2)(b) was with § 87(2)(b) when he was stopped and she did not allege that Sgt. Badillo ever placed his hands in § 87(2)(b)'s pockets.

PO Saxon stated that he never made any physical contact with § 87(2)(b) and he did not recall ever placing his hands in § 87(2)(b)'s pocket. Sgt. Badillo denied ever interacting with § 87(2)(b) on the date of the incident.

§ 87(2)(b), § 87(2)(g)

- **Allegation D) Abuse of Authority: Sgt. Abraham Badillo searched** § 87(2)(b) **s bag.**
- **Allegation F) Abuse of Authority: Sgt. Abraham Badillo frisked** § 87(2)(b)

§ 87(2)(b) alleged that shortly after the stop began, Sgt. Badillo dumped out the contents of his bag onto a bench in the mezzanine area. Sgt. Badillo also tapped the outside of § 87(2)(b)'s rear right pants pocket and frisked § 87(2)(b)'s legs and the area around his waistband.

§ 87(2)(b) also stated that Sgt. Badillo searched § 87(2)(b) but he could not recall when that happened, nor could he describe the nature of this search.

§ 87(2)(b) stated that an officer "went through" § 87(2)(b)'s bag and then frisked his pants pockets.

PO Saxon did not recall § 87(2)(b) being present at the time of the stop and Sgt. Badillo did not recall the incident and did not provide any testimony regarding the nature of the stop.

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 212-11 (encl. i-iii) states that officers can only frisk a civilian if they reasonably suspect that he is armed and that officers can only search someone if they a frisk reveals an object which might be a weapon.

§ 87(2)(b), § 87(2)(g)

- **Allegation G) Offensive Language: Sgt. Abraham Badillo made remarks to § 87(2)(b) based upon race.**

- **Allegation H) Discourtesy: Sgt. Abraham Badillo spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that once he and § 87(2)(b) were stopped, Sgt. Badillo asked § 87(2)(b) “What do you think – I’m a fucking fool or something?” and then that he called § 87(2)(b) a “junkie motherfucker.” Later, § 87(2)(b) announced that he was taking anti-psychotic drugs and Sgt. Badillo said, “I don’t give a fuck what you’re on.” § 87(2)(b) said that he was tired of being stopped and Sgt. Badillo responded, “You don’t think I’m tired? I’m fucking tired too. You know what? Cuff that motherfucker.”

§ 87(2)(b) alleged that Sgt. Badillo told him, “I’m not stupid. You’re a dirty, whiteboy, fiend.” § 87(2)(b) asked Sgt. Badillo why he was “picking” on him and Sgt. Badillo said, “Because you’re a junkie.” Toward the end of their interaction, Sgt. Badillo told § 87(2)(b) “You’re a piece of shit.”

PO Saxon denied that Sgt. Badillo made any of these remarks and Sgt. Badillo said that he did not have any interaction with § 87(2)(b) or § 87(2)(b) on the date of the incident.

§ 87(2)(b), § 87(2)(g)

- § 87(2)(g), § 87(4-b)

- § 87(2)(g), § 87(4-b)

Team: 1

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date